

REMARKS

Applicant appreciates the Examiner's attention to this case and respectfully requests reconsideration of the application.

Specification

The Examiner objected to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner noted that the phrase "portable member" as claimed in Claims 2, 5, and 7 was not found in the Specification and, therefore, there was no antecedent basis for its use in the Claims. Applicant has amended Claims 2, 5, and 7 to remove the phrase "portable member." Accordingly, Applicant respectfully requests that the Examiner withdraw his objection on this ground.

Drawings

The Examiner objected to the Drawing for similar reasons as discussed above under Specification. Again, Applicant has amended Claims 2, 5, and 7 to remove the phrase "portable member." Accordingly, Applicant submits that no amendments to the Drawings are now required and respectfully requests that the Examiner withdraw his objection on this ground.

Claim Rejection- 35 USC section 112, second paragraph

The Examiner rejected claim 13 under 35 USC section 112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Specifically, the Examiner noted that the word "compartment" was claimed instead of "chamber." Applicant appreciates the Examiner's notice of this error. However, Claim 13 has been cancelled. Please see below under 102 rejections.

Claims Rejection- 35 USC section 102

The Examiner rejected claims 1 – 4, 6, and 13 pursuant to 35 USC 102(b) as being anticipated by Marrow. Applicant respectfully disagrees. Applicant’s invention comprises a catamenial products container having a waterproof seal and three chambers. The elegance of Applicant’s design is that it provides for safe, secure, and clean transportation and storage of catamenial products in a waterproof environment. On the other hand, Morrow merely discloses the possible use of water resistant or waterproof material in the manufacture of the body of the device. Morrow does not teach or contemplate a waterproof seal. Additionally, Morrow, has only two sections (a tampon section and a plunger section); it does not claim or teach three chambers. This is key in that it is important to keep tampon, medications and towelette separate for health reasons. Morrow does not enable or teach this separation. Accordingly, Applicant submits that Morrow does not teach the inventive features of Applicant’s invention.

Specifically, in regards to Claim 1, while Morrow does teach a container for multiple catamenial products, it teaches only two compartments. With the design of Morrow, Applicant asserts that three containers are not possible. As discussed above, the need for three chambers for health reasons is a key feature of Applicant’s device and is not anticipated by the prior art.

Also, while Morrow discusses the possible use of a threaded top, it is a suggestion made only in consideration of the re-usability of the device (Column 7, lines 49-53). Morrow teaches, however, that a frictional closure is best because it is less expensive. (Column 7, lines 55-59). No thought or teaching is made with regard to the waterproof nature or even need for a waterproof seal by Morrow. Further teaches a one time only removable seal for the opposite end. This most assuredly teaches away from a waterproof device.

With regard to Claim 2, Applicant has amended all claims to remove reference to portable member.

With regard to Claims 3 and 4, the same arguments apply as to Claim 1, namely, that while Morrow does teach a container for multiple catamenial products, it teaches only two containers. With the design of Morrow, Applicant asserts that three containers are not possible. As discussed above, the need for three containers for health reasons is a key feature of Applicant's device and is not anticipated by the prior art.

Also, while Morrow discusses the possible use of a threaded top, it is a suggestion made only for the re-usability of the device (Column 7, lines 49-53). Morrow teaches, however, that a frictional closure is best because it is less expensive. (Column 7, lines 55-59). No thought or teaching is made with regard to the waterproof nature or even need for a waterproof seal by Morrow. Further teaches a one time only removable seal for the opposite end. This most assuredly teaches away from a waterproof device.

Regarding Claim 6, Applicant has cancelled Claim 6.

Regarding Claim 10, Applicant submits, and as pointed out by the Examiner, that Morrow only teaches two compartments (a tampon section and a plunger section). Applicant's device teaches three compartments. As discussed above, this is key in that it is important to keep tampon, medications and towelette separate for health reasons. Morrow does not enable or teach this separation. Accordingly, Applicant submits that Morrow does not teach the inventive feature of Applicant's invention.

Also, and as discussed above, while Morrow discusses the possible use of a threaded top, it is a suggestion made only for the re-usability of the device (Column 7, lines 49-53). Morrow teaches, however, that a frictional closure is best because it is less expensive. (Column 7, lines

55-59). No thought or teaching is made with regard to the waterproof nature or even need for a waterproof seal by Morrow. Further teaches a one time only removable seal for the opposite end. This most assuredly teaches away from a waterproof device.

With regard to Claim 11, Applicant submits that Morrow does not Claim three chambers, only two (36A and 36B). As discussed above, this is key in that it is important to keep tampon, medications and towelette separate for health reasons. Morrow does not enable or teach this separation. Accordingly, Applicant submits that Morrow does not teach the inventive feature of Applicant's invention.

Regarding Claim 12, Applicant submits that Morrow does not contain a receptive member. Element 48 of Morrow is a tab (Column 8, lines 25 -28). The tab is not used as a receptive member but only to make it easier to remove the seal on the tampon end of the device.

Regarding Claim 13, Applicant has cancelled Claim 13.

Claims Rejections- 35 USC section 103

As Applicant understands the Examiners rejection of Claims 5 and 7, it is as a result of Applicant's claim to a portable member. Applicant has amended Claims 5 and 7 to remove reference to a portable member.

With regard to Claims 8 and 9, Applicant has cancelled those claims.

Accordingly, Applicant respectfully submits that, as amended, the claims are patentable over the prior art and requests that the Examiner withdraw his rejections. Applicant further submits that, as amended, the claims are now in condition for allowance and requests the Examiner take such action. If the Examiner believes a conference would be beneficial in moving

this case, please do not hesitate to contact the undersigned.

Respectfully submitted,

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